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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,193	07/10/2001	John A. Samuels	200-007752-US (D01)	8407
2512	7590	05/15/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824				KNOWLIN, THJUAN P
		ART UNIT		PAPER NUMBER
		2614		

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/902,193	SAMUELS, JOHN A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan P. Knowlin	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 27 December 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 26-61 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 26-61 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on December 27, 2005 has been entered. No claims have been amended. Claims 1-25 have been cancelled. No claims have been added. Claims 26-61 are still pending in this application, with claims 26 and 40 being independent.
2. The affidavit filed on December 27, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Enoki et al (US 5,835,853) reference.
3. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Enoki et al (US 5,835,853) reference to either a constructive reduction to practice or an actual reduction to practice.
4. The affidavit fails to provide any factual evidences, such as exhibits of drawings or records, etc., to establish conception and diligence; see MPEP 715(b). Therefore, the affidavit submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of Enoki et al (US 5,835,853) reference to either a constructive reduction to practice or an actual reduction to practice.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 26-50 and 58-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Enoki et al (US 5,835,853).
7. In regards to claims 26, 40, and 58, Enoki discloses a dual mode receiver and transmitter (See Fig. 8) operable to receive signals in a first mode having an associated first channel spacing, and to receive signals in a second mode having an associated second channel spacing smaller than the first channel spacing, comprising: first and second front-end RF stages for receiving a signal transmitted in the first mode and the second mode, respectively, and supplying a further signal to RF circuitry operable at an intermediate frequency common to each mode of operation (See col. 1 lines 21-50 and col. 2 lines 15-45).
8. In regards to claims 27 and 41, Enoki discloses a receiver and transmitter, comprising two frequency down-conversion stages (See col. 4-5 lines 43-13).
9. In regards to claims 28, 32, 37, 42, 45, 49, and 59, Enoki discloses a receiver and transmitter, wherein a synthesizer (See Fig. 2 and frequency synthesizer 31) associated with one frequency down-conversion stage has a frequency resolution equal to the channel spacing associated with the received signal (See col. 5 lines 16-22).
10. In regards to claims 29, 33, 38, 43, 46, and 50, Enoki discloses a receiver and transmitter, wherein a synthesizer (See Fig. 2 and frequency synthesizer 32) associated

with another frequency down-conversion stage has a frequency resolution wider than the channel spacing associated with the received signal (See col. 5 lines 16-22).

11. In regards to claim 30, Enoki discloses a receiver, operable to convert signals received in the first mode and the second mode directly to a common intermediate frequency (See col. 1 lines 21-50 and col. 2 lines 15-45).

12. In regards to claims 31, 35, 36, 44, 48, 60, and 61, Enoki discloses a receiver and transmitter, further comprising: a first antenna for receiving a first signal in the first mode; a filter (See Fig. 1 and first filter 21) associated with the first antenna for selecting signals lying in a predetermined first frequency band; a first mixer (See Fig. 1 and first mixer 18) for mixing the received first signal with a first local oscillator signal; a second antenna for receiving a second signal in the second mode; a filter (See Fig. 1 and second filter 25) associated with the second antenna for selecting signals lying in a predetermined second frequency band; a second mixer (See Fig. 1 and second mixer 23) for mixing the received second signal with a second local oscillator signal; a switch (See Fig. 2 and switch 33) for selecting between signals received in the first mode and the second mode having as an output, the output of the first mixer or the second mixer; and a third mixer (See Fig. 2 and mixer 34) for mixing the output of the switch with a third local oscillator signal to produce a signal suitable for base band processing (See col. 1 lines 57-67, col. 4-5 lines 43-22, col. 5 lines 39-62, col. 6 lines 2-15, and col. 7 lines 37-45).

13. In regards to claims 34, 39, and 47, Enoki discloses a receiver and transmitter, wherein the first local oscillator signal is produced by a combined output of the first and the second synthesizers (See col. 1 lines 51-56 and col. 5 lines 16-22).

***Claim Rejections - 35 USC § 103***

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al (US 5,835,853), in view of Ramesh et al (US 5,943,324).

16. Enoki discloses all of claim 51 limitations, except a receiver or transmitter, operable with a terrestrial cellular communication system in the first mode. Ramesh, however, discloses a receiver or transmitter (See Fig. 2, Fig. 4, Fig. 6, dish antenna 215, antenna 400, and receiver 610), operable with a terrestrial cellular communication system (See Fig. 2 and terrestrial cellular network 100) in the first mode (See col. 4 lines 21-42). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to make the receiver or transmitter operable with a terrestrial cellular communication system in the first mode, as a way of allowing the receiver or transmitter to be able to operate within a cellular communication system.

17. Enoki discloses all of claim 52 limitations, except a receiver or transmitter, operable with a satellite communication system in the second mode. Ramesh, however, discloses a receiver or transmitter, operable with a satellite communication

system in the second mode (See col. 2-3 lines 63-15, col. 5 lines 16-31, and col. 5-6 lines 54-12).

18. Enoki discloses all of claim 53 limitations, except a receiver or transmitter, wherein the terrestrial cellular communication system is GSM. Ramesh, however, discloses a receiver or transmitter, wherein the terrestrial cellular communication system is GSM (See col. 5 lines 16-31 and col. 8-9 lines 52-1).

19. Enoki discloses all of claim 54 limitations, except a receiver or transmitter, wherein the satellite system is IRIDIUM. Ramesh, however, discloses a receiver or transmitter, wherein the satellite system is ICO (See col. 2 lines 16-22 and col. 4 lines 22-22), therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to use IRIDIUM as the satellite system.

20. Enoki discloses all of claim 54 limitations, except a receiver or transmitter, wherein the satellite system is ICO. Ramesh, however, discloses a receiver or transmitter, wherein the satellite system is ICO (See col. 2 lines 16-22 and col. 4 lines 22-22).

21. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al (US 5,835,853).

22. Enoki discloses all of claim 56 limitations, except a receiver or transmitter, wherein the first channel spacing is 200 KHz. Enoki, however, discloses a receiver or transmitter, wherein the first channel spacing is 800 MHz (col. 1 lines 8-15). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention

to use 200 KHz as the first channel spacing, as a way of providing a first channel spacing that is wider than the second channel spacing.

23. Enoki discloses all of claim 57 limitations, except a receiver or transmitter, wherein the second channel spacing is 41.67 KHz or 25 KHz. Enoki, however, discloses a receiver or transmitter, wherein the second channel spacing is 1.5 GHz (See col. 1 lines 8-15).

#### ***Response to Arguments***

24. Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive. See ***Response to Amendment***.

#### ***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

26. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



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